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Via ECF

Hon. Jennifer E. Willis
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Miller et al. v. City of New York*

Your Honor:

Defendants' request is GRANTED. The Parties shall have until **April 5, 2024** to submit opposition papers and until **April 19, 2024** to file reply papers.

SO ORDERED.

Jennifer E. Willis
United States Magistrate Judge

March 4, 2024

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York (the "City"), counsel for defendants in this matter. I write to respectfully request a one week adjournment of certain dates in the briefing schedule ordered by the Court on February 26, 2024 (ECF No. 135). Defendants respectfully request an adjournment of the time for the parties to submit their opposition papers from March 29, 2024 until April 5, 2024, and a concomitant adjournment of the date for reply papers from April 12, 2024 until April 19, 2024. This is the first request for an adjournment of this deadline. Class Counsel state that they do not consent to this request.

As plaintiffs' counsel noted in their February 20, 2024 submission, the City's undersigned counsel is not working due to pre-planned family travel during March 18-19 and March 25-29, 2024. *See* Class Counsel Letter of February 20, 2024, ECF No. 134 at 3. In addition, the City's counsel is away on travel on March 20, 2024. Therefore, under the schedule set by the Court, the City's counsel would have only two working days to prepare opposition papers to plaintiffs' March 15, 2024 submission. And, of course, counsel will have additional obligations in other matters during those two days, in addition to this case. The only other attorney in this Office handling this matter, the supervisor on this case, will be on parental leave beginning mid-March, and therefore will also be unavailable to attend to this matter during the current opposition briefing period. (The extension period of one week is premised on the representation by Class Counsel that their initial submission would be limited to disputed claimant Challenges, and not address the issues arising under the City Challenges.)

Class Counsel's letter proposed a schedule of March 8 for moving papers, March 22 for opposition papers, and April 5, 2024 for replies. This schedule would also be prejudicial to the City, because, as reflected in the February 20, 2024 submission (ECF No. 134 at 3), the

undersigned represents the City in bench trial which proceeded on February 26 and 27, but which is not yet concluded, with closing arguments scheduled for March 6, 2024. Therefore, the City's counsel would be unable to make a submission on dozens of individual challenges by March 8, 2024.

We understand the Court's interest in addressing the relevant legal issues on a prompt schedule. However, under the schedule as contemplated by the Stipulation, one week will not impose a prejudicial delay. As noted in prior filings by the parties, the process for late claims, late challenges, and City challenges to late claims, will almost certainly run until May 2, 2024, at the earliest *See, e.g.*, February 20, 2024 Letter at 1 (ECF No. 134); Parties Letter of November 8, 2023, at 2-4 (ECF No. 107). Since the end of the claims period, late claims and claimant Challenges have been submitted nearly every day, with late claims and challenges submitted by class members totaling over 200. Therefore, there will be no prejudice to the class members or the Court from a one-week adjournment to allow the City to be represented by the counsel assigned to the matter. Moreover, there has been no undue delay in this matter and the proceeding has moved at an extraordinarily rapid pace, without any motion practice on the merits or discovery until this point.

Therefore, Defendants respectfully request an adjournment of the time for the parties to submit their opposition papers from March 29, 2024 until April 5, 2024, and a concomitant adjournment of the date for reply papers from April 12, 2024 until April 19, 2024. We thank the Court for its consideration of this matter.

Sincerely,

Alan H. Scheiner /s/

Alan H. Scheiner

Senior Counsel

Special Federal Litigation Division

Encl.

cc (via ECF): All counsel